

YOUTH SERVICES POLICY

Title: Crisis Leave Program Next Annual Review Date: 08/05/2010	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.58
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References: Civil Service Rule 11:34, Act 1008 of the 1992 Regular Session and Senate Concurrent Resolution No. 54 of the 1997 Regular Session	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 08/05/2009

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish a Crisis Leave Program that creates a pool of shared annual leave that may be used by eligible employees who cannot work due to the employee's own personal injury or illness, or personal injury or illness to an eligible family member. The intent of the policy/program is to assist employees who, through no fault of their own, have insufficient paid leave to cover the absence needed for the crisis situation. An employee using leave under this policy shall receive leave in sufficient quantity to ensure his wage replacement is 75% of the pay he would have received in a regularly scheduled workweek.

III. APPLICABILITY:

Deputy Secretary, Undersecretary, Assistant Secretary, Chief of Operations, Deputy Assistant Secretaries, and all Youth Services (YS) employees. Each Unit Head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this policy.

IV. POLICY:

It is the Deputy Secretary's policy to ensure uniform application of the Crisis Leave Program.

V. DEFINITIONS:

Crisis Leave Committee - A three member committee comprised of the following:

1. Unit Head (of the requestor's unit) or designee;
2. Leave Pool Manager, or designee; and
3. Appropriate Deputy Assistant Secretary.

Crisis Leave Pool Policy Year - Calendar year, January 1st through December 31st.

Eligible Employee - A classified or unclassified employee of YS who is eligible to earn leave. In order to donate or use crisis leave, a classified employee must have attained permanent status and an unclassified employee must have been employed with the Department for one year.

Eligible Family Member - An individual living in the same household who is related to the employee by kinship, adoption, or marriage, or a foster child so certified by the La. Office of Community Services and is totally dependent upon the employee for personal care or services on a continuing basis.

Health Care Provider - A practitioner who is practicing within the scope of his license. This includes, but is not limited to, licensed physicians, chiropractors, counselors or therapists.

Leave Pool Manager - The Human Resources Director, or designee.

Injury or Illness – A catastrophic illness or serious injury that may be considered to be an acute or prolonged illness, usually considered to be life threatening or with the threat of serious residual disability. Treatment may be radical and is frequently costly.

The condition or combination of conditions must affect the physical or mental health of the employee and may require the services of a licensed health care provider for a prolonged period of time. The illness or injury must prevent the employee from performing his duties for a period of more than 10 consecutive days and forces the employee to exhaust all appropriate leave balances.

VI. ELIGIBILITY REQUIREMENTS:

An eligible employee may apply to receive crisis leave (leave recipient) if the following requirements are met:

The employee or eligible family member suffers from an illness or injury as described in Section V.;

The employee has exhausted all appropriate leave (annual, sick and compensatory).

An employee is not required to contribute to the Crisis Leave Pool to be eligible to receive crisis leave. Upon approval, the Crisis Leave Committee will determine the amount of crisis leave granted for each personal emergency. The amount of leave granted to an employee will generally reflect the recommendations of the health care provider.

VII. DONATION PROCEDURES:

An eligible employee donating to the pool (leave donor) may not designate a particular employee to receive donated time. Donations are accumulated in the pool (agency-wide) and awarded on a first-come, first-served basis to eligible employees. Donations are limited to the following terms:

An eligible employee may donate a minimum of four hours of annual leave at any given time. Donations must be made in whole hour increments.

The donor must have a balance of at least 120 hours of annual leave remaining after the contribution.

Donations are limited to 240 hours of annual leave per leave donor per calendar year.

The leave donor must complete the Donor Application Form [Attachment A.2.58 (c)].

Donations are not automatic. If the employee chooses to make donations in consecutive calendar years, a Donor Application Form [Attachment A.2.58 (c)] must be resubmitted each calendar year.

The donor form shall be forwarded to the Human Resources Director at Central Office.

Donations will be deducted from the donor's leave balance and credited to the Crisis Leave Pool the first pay period following receipt of the approved Donor Application Form.

Unused crisis leave is rolled forward to the next calendar year.

VIII. REQUEST PROCEDURES:

- A. An employee may request leave from the Crisis Leave Pool by the submission of a completed Crisis Leave Request Form and Medical Certification [Attachment A.2.58 (a)]. In the event the employee is incapacitated and not capable of requesting leave, the Unit Head shall contact the Central Office Human Resources Director on behalf of the employee to request crisis leave approval.
- B. The employee requesting crisis leave must provide all requested information necessary to make a final determination of eligibility. The Unit Head shall forward the Crisis Leave Request Form and Medical Certification, and any accompanying documentation to the Leave Pool Manager in the Central Office Human Resources Office. The Leave Pool Manager will review the request to make sure that the employee is eligible to receive crisis leave.
- C. Each request shall be date stamped upon receipt by the Leave Pool Manager and handled on a first-come, first-served basis. Although the employee will not be eligible until all leave balances have been exhausted, the required paperwork should be submitted in advance. If the employee is in leave without pay (LWOP) prior to receiving approval, paid leave under this program shall be retroactive to the first date the employee was placed on LWOP status.
- D. Any approved crisis leave is used and documented in accordance with the same procedures as regular paid leave taken by the employee.
- E. The Leave Pool Manager shall notify the employee in writing of the decision, via a completed copy of A.2.58 (b) Determination Form.
- F. A maximum of 240 hours may be requested by an employee during one calendar year.

IX. CHANGES IN STATUS AFFECTING CRISIS LEAVE:

- A. The granting of crisis leave is meant to cover only the circumstances for which it was requested. If any change occurs in the nature or severity of an illness or injury, or of any other factor on which the approval was based, the employee must provide documentation describing the change to the Leave Pool Manager. The employee, immediate supervisor and the primary timekeeper will be notified accordingly.

- B. Hours granted from the Crisis Leave Pool may be used only for reasons stipulated in the approved Crisis Leave Request Form and Medical Certification. The use of crisis leave that is not in accordance with procedures and requirements outlined in this policy may constitute payroll fraud and will be dealt with accordingly.
- C. Employees who are able to return to work before using all of their granted crisis leave must return the unused leave to the Crisis Leave Pool. The supervisor shall notify the payroll timekeeper and Human Resources liaison via e-mail within the same pay period that the employee returns to work.

X. COMPENSATION AND BENEFITS:

- A. Crisis leave will be awarded hour-for-hour, regardless of the leave donor or leave recipient's rate of pay.
- B. An employee in crisis leave status will be considered in partial paid leave status and will continue to receive health and retirement benefits as appropriate; however, employees are prohibited from earning annual and sick leave while on crisis leave.
- C. The value of the annual leave granted as crisis leave may not exceed 75% of the employee's pay received in a regularly scheduled workweek.

XI. CRISIS LEAVE COMMITTEE CONSIDERATION:

Approval of a Crisis Leave Request is discretionary; denial may be based on any reason which is consistently applied, and that is not illegal or unconstitutional. The decision to approve or deny crisis leave by the Crisis Leave Pool Committee is final and not subject to appeal, except if the employee alleges that they have been adversely affected by the denial, or any provision of state statutes, Civil Service Rules, or has been discriminated against because of religious or political beliefs, sex or race.

The following factors, at a minimum, shall be considered by the Crisis Leave Pool Committee when denying a request:

- Insufficient leave balance available in pool;
- Record of excessive non FMLA sick leave usage by employee;
- Insufficient medical documentation;
- Overall Poor or Needs Improvement PPR;
- Amount of leave previously received from the Crisis Leave Pool;
- Disciplinary action imposed on the requesting employee.

XII. CONFIDENTIALITY:

In the interest of preserving the privacy of leave donors and leave recipients, employees with access to information related to an individual leave transfer shall not disclose such information to anyone except those individuals who have a need to know purpose for administering the program or to individuals who have the express written permission of the donor or recipient to release specific information.

XIII. FAMILY AND MEDICAL LEAVE :

Employee participation in the Crisis Leave Program does not extend or substitute, but rather runs concurrently with an approved leave of absence for situations covered under FMLA.

XIV. WORKERS COMPENSATION:

Employees using leave from the Crisis Leave Pool shall be eligible for reimbursement of no more than 75% of their regularly scheduled workweek pay. Employees who are receiving a Worker's Compensation salary reimbursement shall be eligible to receive leave from the Crisis Leave Pool only in the quantity necessary to make up the difference between the Workers Compensation wage replacement and the 75% wage replacement allowed under this policy.

XV. SOLICITATION OF ANNUAL LEAVE HOURS:

In the event there is a need to solicit donations to the crisis leave pool, the Central Office Human Resources Director may use email, internet, or other methods approved by the Deputy Secretary to solicit donations to the Crisis Leave Pool. Contributions to the Crisis Leave Pool are strictly voluntary and no employee shall be coerced or pressured to donate leave.

XVI. RECORDS AND REPORTING:

The Leave Pool Manager shall be responsible for retaining the original documentation in a file that is not accessible by the public.

Copies of all documentation should be kept at the unit's Human Resources Office in the employee's confidential medical file.

Central Office Human Resources shall provide a fiscal year report to the Undersecretary on all Crisis Leave Pool transactions. Reports shall include the following:

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Number of hours donated by unit;
Number of hours requested by unit;
Number of hours granted by the Crisis Leave Committee by unit;
Fiscal year beginning leave balance; and
Fiscal year ending leave balance.

Previous Regulation/Policy Number: N/A
Previous Effective Date: N/A



Attachments/References: A.2.58 (a) Crisis Leave Request Form and Medical Certification.doc



A.2.58 (b) Determination Form.doc



A.2.58 (c) Donor Application Form.doc